

MELLINGER KARTZMAN LLC

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Attorneys for Steven P. Kartzman, Chapter 7 Trustee



Order Filed on July 13, 2021
by Clerk
U.S. Bankruptcy Court
District of New Jersey

In re:

ELAINA LIVA,

Debtor.

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW JERSEY**

Case No.: 19-25392 (RG)

Chapter 7

Honorable Rosemary Gambardella

**CONSENT ORDER RESOLVING RESTITUTION LIEN HELD BY THE
UNITED STATES OF AMERICA AS AGAINST THE BANKRUPTCY ESTATE**

The relief set forth on the following pages numbered two (2) through four (4) is hereby
ORDERED.

DATED: July 13, 2021

A handwritten signature in cursive script that reads "Rosemary Gambardella".

Honorable Rosemary Gambardella
United States Bankruptcy Judge

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Debtor: Elaina Liva

Case No.: 19-25392 (RG)

Caption: Consent Order Resolving Restitution Lien Held by the United States of America

THIS MATTER having been brought before the Court by Steven P. Kartzman, the Court-appointed Chapter 7 Trustee (the “Trustee”), by and through his attorneys Mellinger Kartzman LLC, on application for entry of a Consent Order resolving the amount required for a release of the restitution lien held by the United States of America, and all parties with an interest having been properly served, and the Trustee and the United States of America (“USA”), having agreed to amicably resolve the issues between the estate and the USA on the terms set forth herein, as appears from the signatures of counsel affixed hereto, it is hereby

ORDERED AS FOLLOWS:

1. The Trustee shall remit 25% of the 20% to be retained by the Bankruptcy Estate pursuant to the Consent Order with the Debtor entered on January 2, 2020, to the United States of America, upon the receipt and clearance of the decedent estate funds, in exchange for a release of the restitution lien as against property of the estate. Said lien was recorded by the United States of America against Elaina Liva a/k/a Elaina Maria Gulino a/k/a Elaina Gulino a/k/a Elaina G. Liva, on May 3, 2019, in the Bergen County Clerk’s Office in Book No. 03234 at Page No. 0408 (the “Restitution Lien”).

2. Should the contemplated settlement of the Debtor’s claim against her ex-husband’s decedent estate fail to be approved by the Bankruptcy Court, the parties will return to their original positions.

3. The parties hereto shall execute any and all documents and pleadings reasonably necessary to implement all of the foregoing provisions.

4. The terms of this Consent Order are subject to the Court’s approval and the issuance of a Notice of Settlement (the “Notice”) and the following:

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Debtor: Elaina Liva

Case No.: 19-25392 (RG)

Caption: Consent Order Resolving Restitution Lien Held by the United States of America

- (a) If no objection to the Notice is filed, the issuance and docketing of a Certification of No Objection by the Clerk of the Bankruptcy Court; or
- (b) If any objection to the Notice is filed, the overruling of any such objection by this Court.

In the event that an objection to the settlement is filed and sustained, the parties shall be restored to their pre-settlement positions.

5. This Consent Order does not impact the United States of America's rights as to Debtor's share of the settlement.

6. This Consent Order shall not act as a release of the Restitution Lien as to any other Property of the Debtor, real or personal.

7. The parties, and anyone who succeeds to their rights and responsibilities hereunder, including their successors and/or assigns, are bound by this Consent Order. This Consent Order is made for the benefit of the parties and all who succeed to their rights and responsibilities.

8. The Bankruptcy Court shall retain exclusive jurisdiction to adjudicate all matters arising under or in connection with this Consent Order.

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Debtor: Elaina Liva

Case No.: 19-25392 (RG)


Caption: Consent Order Resolving Restitution Lien Held by the United States of America

*The undersigned hereby consent to
the form and entry of the within Order:*

MELLINGER KARTZMAN LLC
Attorneys for Trustee

UNITED STATES ATTORNEY'S OFFICE,
SOUTHERN DISTRICT OF FLORIDA
Attorneys for the United States of America

By: /s/ Steven A. Jayson
STEVEN A. JAYSON, ESQ.

By: /s/ Brett R. Geiger 
BRETT R. GEIGER, ESQ.
ASSISTANT UNITED STATES ATTORNEY

Dated: June __, 2021

Dated: June 14, 2021

In re:
Elaina Liva
Debtor

Case No. 19-25392-RG
Chapter 7

CERTIFICATE OF NOTICE

District/off: 0312-2
Date Rcvd: Jul 13, 2021

User: admin
Form ID: pdf903

Page 1 of 2
Total Noticed: 1

The following symbols are used throughout this certificate:

Symbol	Definition
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+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.
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Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jul 15, 2021:

Recip ID	Recipient Name and Address
db	+ Elaina Liva, 5 Horizon Road, Apt. 2908, Fort Lee, NJ 07024-6649

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jul 15, 2021

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on July 13, 2021 at the address(es) listed below:

Name	Email Address
Anthony Sodono, III	on behalf of Debtor Elaina Liva asodono@msbnj.com
Denise E. Carlon	on behalf of Creditor PNC Mortgage a Division of PNC Bank, National Association dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com
Judah B Loewenstein	on behalf of Trustee Steven P. Kartzman jloewenstein@msklaw.net sjayson@msklaw.net;pmasiello@msklaw.net;donnaz@msklaw.net
Robert Link	on behalf of Creditor Sterling National Bank successor by merger to Astoria Bank blink@msgrb.com
Steven A. Jayson	on behalf of Trustee Steven P. Kartzman sjayson@msklaw.net jloewenstein@msklaw.net;donnaz@msklaw.net;pmasiello@msklaw.net

District/off: 0312-2

User: admin

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Date Rcvd: Jul 13, 2021

Form ID: pdf903

Total Noticed: 1

Steven P. Kartzman

on behalf of Trustee Steven P. Kartzman kartztee@optonline.net
nj16@ecfcbis.com;jloewenstein@msklaw.net;sjayson@msklaw.net;skartzman@msklaw.net;donnaz@msklaw.net;pmasiello@msk
law.net

Steven P. Kartzman

kartztee@optonline.net
nj16@ecfcbis.com;jloewenstein@msklaw.net;sjayson@msklaw.net;skartzman@msklaw.net;donnaz@msklaw.net;pmasiello@msk
law.net

U.S. Trustee

USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 8